

REMARKS:

Claims 1, 2, 4-6, 8, 9, 11-16, 19, 21-24, 36 and 37 are presented for examination. Claims 1, 8, 9 and 15 have been amended hereby. Claims 3, 7, 10, 17, 18, 20 and 25-35 have been cancelled hereby (without prejudice or disclaimer). New claims 36 and 37 have been added.

Reference will first be made to the rejection of claims 3, 7, 10, 17, 18, 20, 27, 30 and 32 under 35 U.S.C. 112, second paragraph.

Initially, it is noted that applicants do not necessarily concur with the Examiner regarding these claims and the applicable rules and regulations.

Nevertheless, in order to expedite prosecution of the application, each of claims 3, 7, 10, 17, 18, 20, 27, 30 and 32 has been cancelled hereby.

Therefore, it is respectfully submitted that the rejection of claims 3, 7, 10, 17, 18, 20, 27, 30 and 32 under 35 U.S.C. 112, second paragraph, has been rendered moot.

Reconsideration is respectfully requested of the rejection of claims 1, 2, 4-6, 8, 9, 11-16, 19 and 21-24 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter (of note, the cancellation of claims 3, 7, 10, 17, 18, 20 and 25-35 has rendered their rejection moot).

Initially, it is noted that applicants do not necessarily concur with the Examiner regarding these claims and the applicable rules and regulations.

Nevertheless, in order to expedite prosecution of the application, each of claims 3, 7, 10, 17, 18, 20 and 25-35 has been cancelled hereby.

In addition, in order to expedite prosecution of the application, each of independent claims 1 and 15 has been amended hereby to even more clearly recite statutory subject matter.

In particular, each of independent claims 1 and 15 has been amended hereby to recite, *inter alia*, the following:

- “selling a trust certificate to generate proceeds, wherein the sale is from a trust to a first entity” (emphasis added)
- “purchasing the equity security with the allocated portion of the proceeds of the sale of the trust certificate, wherein the purchase is made by the trust from an equity market” (emphasis added)

- “purchasing the put option with the allocated portion of the proceeds of the sale of the trust certificate, wherein the purchase is made by the trust from a second entity”
(emphasis added)

As seen from the above, each of independent claims 1 and 15 now explicitly recites the steps of selling a trust certificate, purchasing the equity security and purchasing the put option.

It is respectfully submitted that the addition of such claim elements clearly address the issue raised by the Examiner at pages 4 and 5 of the October 12, 2007 Office Action regarding the need for regulators and auditors to view, interpret and implement laws and accounting standards for the avoidance of income statement volatility. In particular, it is respectfully submitted that the claims now more clearly provide a useful, concrete and tangible result (i.e., the sale and purchase of various items).

Therefore, it is respectfully submitted that the rejection of claims 1, 2, 4, 6, 8, 9, 11-16, 19 and 21-24 under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter has been overcome.

Reconsideration is respectfully requested of the rejection of claims 1, 2, 4-6 and 11-14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Securities Act File No. 333-83085, hereinafter “SEC” in view of Hecht v. Malley, 265 U.S. 144 (1924), hereinafter “Hecht” and U.S. Patent Application Publication 2002/0138391 to Brown, hereinafter “Brown” (of note, the cancellation of claims 3, 10, 25-29 and 32-35 has rendered their rejection moot).

Initially, it is noted that applicants do not necessarily concur with the Examiner regarding the analysis of these claims and the SEC, Hecht and Brown references.

Nevertheless, in order to expedite prosecution of the application each of independent claims 1 and 15 (the two pending independent claims) have been amended hereby to more clearly recite certain patentably distinct subject matter.

More particular, each of independent claims 1 and 15 has been amended hereby to recite, *inter alia*, the following:

- “wherein the trust includes a requirement that the equity security be sold on a date that the put option expires” (emphasis added)

As seen from the above, each of independent claims 1 and 15 (the two pending independent claims) has been amended hereby to recite the feature of the invention directed to the trust including a requirement that the equity security be sold on a date that the put option expires (as discussed in the specification at page 9, line 13 to page 10, line 16, for example, such a requirement may help comport with the guidance of DIG Issue G20 in connection with paragraph 29 of FAS 133).

In this regard, it is noted that the Examiner himself acknowledges, at page 6 of the October 12, 2007 Office Action that “SEC does not teach a trust as the investment vehicle...”

Thus, in an effort to cure the deficiency of SEC to teach the trust feature of the claimed invention, the Examiner cites Hecht.

It is respectfully submitted, however, that as best understood the Hecht reference does not teach, show or even suggest the now-claimed feature of the present invention directed to the trust including a requirement that the equity security be sold on a date that the put option expires.

Thus, even if Hecht were combined with SEC to produce the hypothetical combination suggested by the Examiner, it is respectfully submitted that such a hypothetical combination would still fail to produce the currently claimed invention (i.e., wherein the trust includes a requirement that the equity security be sold on a date that the put option expires).

Referring now to dependent claims 2, 4, 6, 8, 9, 11-14, 16, 19 and 21-24, it is noted that each of these claims depends (directly or indirectly) from one of independent claims 1 and 15 discussed above.

Thus, while these claims may recite their own patentably distinct features, it will simply be submitted here that each of the claims 2, 4, 6, 8, 9, 11-14, 16, 19 and 21-24 is patentably distinct for at least the same reasons as the independent claim from which it depends.

Therefore, it is respectfully submitted that the rejection of claims 1, 2, 4, 6, 8, 9, 11-16, 19 and 21-24 under 35 U.S.C. 103(a) as allegedly being unpatentable over SEC in view of Hecht and Brown has been overcome.

Reconsideration is respectfully requested of the rejection of claim 8 under 35 U.S.C.

103(a) as allegedly being unpatentable over SEC in view of Hecht, Brown and The Delaware Business Trust Act, hereinafter “Mazie” (of note, the cancellation of claims 7 and 30 has rendered their rejection moot).

Initially, it is noted that applicants do not necessarily concur with the Examiner in the Examiner’s analysis of these claims and the SEC, Hecht, Brown and Mazie references.

Nevertheless, in an effort to expedite prosecution of the application, it will simply be noted that claim 8 depends from independent claim 1.

Thus, it is respectfully submitted that claim 8 is patentably distinct for at least the same reasons as independent claim 1, discussed above.

Therefore, it is respectfully submitted that the rejection of claim 8 under 35 U.S.C. 103(a) as allegedly being unpatentable over SEC in view of Hecht, Brown and Mazie has been overcome.

Reconsideration is respectfully requested of the rejection of claims 9, 15-19, and 21-24 under 35 U.S.C. 103(a) as allegedly being unpatentable over SEC in view of Hecht, Brown, Mazie and U.S. Patent 5,809,484, hereinafter “Mottola” (of note, the cancellation of claims 20, 30 and 31 have rendered their rejection moot).

Initially, it is noted that applicants do not necessarily concur with the Examiner in the Examiner’s analysis of these claims and the SEC, Hecht, Brown, Mazie and Mottola references.

Nevertheless, in an effort to expedite prosecution of the application, it will simply be noted that each of claims 9, 15-19, and 21-24 depends (directly or indirectly) from one of independent claims 1 and 15.

Thus, it is respectfully submitted that each of claims 9, 15-19 and 21-24 is patentably distinct for at least the same reasons as independent claims 1 and 15, discussed above.

Therefore, it is respectfully submitted that the rejection of claims 9, 15-19 and 21-24 under 35 U.S.C. 103(a) as allegedly being unpatentable over SEC in view of Hecht, Brown, Mazie and Mottola has been overcome.

Finally, it is noted that this Amendment is fully supported by the originally filed application and thus, no new matter has been added. For this reason, the Amendment should be entered.

For example, support for the amendment to claims 1 and 15 regarding the selling of the

trust certificate and the purchasing of the equity security and the put option may be found in claims 1 and 15, as filed; page 1, lines 1-19; page 3, lines 14-24; page 4, line 20 to page 5, line 2; page 5, lines 18-26; and throughout the specification.

Further, support for the amendment to claims 1 and 15 regarding allocating with a computer may be found, for example, in claims 1 and 15, as filed; and at page 12, lines 27-29; and throughout the specification.

Further still, support for the amendment to claims 1 and 15 regarding the trust including a requirement that the equity security be sold on a date that the put option expires may be found, for example, at page 9, line 13 to page 10, line 16.

Further still, support for new claims 36 and 37 regarding a third entity owning a blocking piece of the trust such that the trust could not be unilaterally dissolved or amended by the first entity may be found, for example, at page 9, line 13 to page 10, line 16.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,
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